

TIMOTHY CHARLES LEE	§	
VS.	§	CIVIL ACTION NO. 1:16cv221
UNITED STATES OF AMERICA, ET AL.	§	

Plaintiff Timothy Charles Lee, an inmate confined in the Federal Correctional Institution in Cumberland, Maryland, proceeding *pro se*, brings this Federal Tort Claim against the United States of America and Dr. Mark A. Tidwell.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules or the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Plaintiff complains he was denied adequate medical care by Dr. Tidwell while he was housed at the United States Penitentiary located in Coleman, Florida. Dr. Tidwell is employed as a physician at the prison facility in Coleman. Additionally, plaintiff complains of the medical care he received while housed at the Federal Correctional Complex located in Beaumont, Texas.

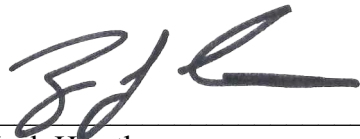
Any civil action on a tort claim against the United States under subsection (b) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.

28 U.S.C. § 1402(b). In this action, plaintiff resides in Maryland. However, the acts or omissions complained of occurred in Coleman, Florida and Beaumont, Texas. Thus, venue over any potential FTCA claims by plaintiff would lie either in Florida and Maryland or Texas and Maryland.

As the acts or omissions plaintiff complains of against defendant Tidwell occurred in Coleman, Florida, venue is not proper in this court. Title 28 U.S.C. § 1404(a) provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

Coleman, Florida is located in Sumter County, Florida. In accordance with 28 U.S.C. § 89, Sumter County is located in the Middle District of Florida. Thus, the court with jurisdiction over plaintiff's claims which occurred at the United States Penitentiary in Coleman, Florida is the United States District Court for the Middle District of Florida. Therefore, plaintiff's claims against defendant Dr. Mark A. Tidwell should be severed from this action and transferred to the appropriate court. An appropriate order so providing will be entered by the undersigned.

SIGNED this 3rd day of May, 2017.



Zack Hawthorn
United States Magistrate Judge